

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Béla NÁDAS

Serial No.: 10/594,141

Filed: September 25, 2006

For: DRIVING MECHANISM



)
)
) Petitions Office

)
) Atty. Dkt: 84.1012

)
) JGS:fps
)
)

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicant respectfully requests that the holding of abandonment set forth in the Notification of Abandonment mailed on April 20, 2007 be withdrawn because of error on the part of the Patent and Trademark Office.

FACTS

(1) The subject application was filed by Express Mail on September 25, 2006.

(2) The application as filed contained an authorization to charge the following “small entity” fees to Deposit Account No. 19-1070: Basic National Stage Fee under 37 C.F.R. 1.492(a) - \$150; National Stage Search Fee under 37 C.F.R. 1.492(b)(2) - \$200; and National Stage Examination Fee under 37 C.F.R. 1.492 (c)(2) - \$100 (see Attachment A).

(3) A postal receipt card (see Attachment B) was received from the Patent and Trademark Office, indicating that the application had been assigned Serial No. 10/594,141 and a filing date of September 25, 2006.

(4) Nothing further was received from the Patent and Trademark Office until May 1, 2007 when a Notification of Abandonment dated April 20, 2007 and signed by Virginia L. Irby was received, the Notification of Abandonment stating that “Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 C.F.R. 1.495(b)(2))” (see Attachment C).

(5) The undersigned attorney immediately telephoned Ms. Irby, who stated that the case had been referred to her on or before April 19, 2007, and that she had attempted to charge the total fees to the Deposit Account No. 19-1070 on April 19, 2007, but that there were insufficient funds in the Deposit Account on that date.

(6) In a subsequent telephone conference with Ms. Irby on May 8, 2007, she further stated that when, on April 19, 2007, she had attempted to charge the total fees of \$450 to the

Deposit Account, she had not attempted to charge the Basic National Fee of \$150 alone to the Deposit Account.

(7) As indicated on the attached statement for Deposit Account No. 19-1070 for the month of April 2007 (see Attachment D), the balance in the Deposit Account during the period April 1-29, 2007 was \$409.26, and the balance was reduced to \$384.26 on April 30, 2007 due to posting of a \$25 service charge. Thus, at all times during that period, the balance in the Deposit Account was sufficient to cover the Basic National Fee of \$150 and either the Search Fee of \$200 or the Examination Fee of \$100.

DISCUSSION

The procedure for payment of national fees for filing of a national application related to a PCT application is set forth in 37 C.F.R. 1.495 (attached hereto as Attachment E).

Specifically, 37 C.F.R. 1.495(b) provides that a copy of the international application and only the Basic National Fee must be provided within 30 months of the priority date in order to avoid abandonment of the application. In this case, a copy of the international application was provided to the Patent and Trademark Office by the International Bureau, and authorization to charge the Basic National Fee was included in the filing on September 25, 2006.

Furthermore, when Ms. Irby attempted unsuccessfully to charge the total of all three fees to Deposit Account No. 19-1070 on April 19, 2007, she should have then attempted, in accordance with 37 C.F.R. 1.495(b), to charge the Basic National Fee of \$150 alone to Deposit Account No. 19-1070, in which case the fee would have been charged since the balance in Deposit Account No. 19-1070 on that date was \$409.26 (see facts (6) and (7) above). In fact, the balance in the Deposit Account on that date was sufficient to cover both the Basic National Fee and one of the other two fees (that is, either the Search Fee or the Examination Fee).

Then, in accordance with 37 C.F.R. 1.495(c)(1) and (c)(2), if the Search Fee and/or the Examination Fee were not chargeable to the Deposit Account on that date, a notification to pay one or both of these missing fees by a date certain should have been sent to the undersigned attorney. Thus, it was an error to send, to the undersigned attorney on April 19, 2007, a Notification of Abandonment stating that "Applicant has

failed to provide the full U.S. Basic National Fee by 30 months” since, as stated above, the balance in Deposit Account No. 19-1070 on April 19, 2007 was sufficient to cover not only the National Fee of \$150, as required by 37 C.F.R. 1.495(b), but also the Search Fee of \$200 or the Examination Fee of \$100.

It is respectfully submitted that, but for the error or oversight which occurred on April 19, 2007, the holding of abandonment of the present application would not have occurred, and the application would now be proceeding into the examination stage.

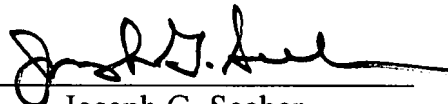
ACTIONS REQUESTED

Based on the above facts and discussion, the following actions are requested:

- (1) that the Notification of Abandonment mailed on April 20, 2007 be withdrawn due to error on the part of the Patent and Trademark Office;
- (2) that the application be reinstated;
- (3) that the Basic National Fee, the Search Fee and the Examination Fee for a "small entity" (total of \$450) be charged to Deposit Account No. 19-1070 (a duplicate of this sheet is attached);
- (4) that no Petition Fee be assessed against the Applicant since this Petition to Withdraw Holding of Abandonment was necessitated by an error on the part of the Patent and Trademark Office;
- (5) that, if a Petition Fee is to be assessed against the Applicant, such Petition Fee be charged to Deposit Account No. 19-1070 (a duplicate of this sheet is attached); and
- (6) that any other equitable relief which is deemed appropriate be granted to the Applicant.

Respectfully submitted,

Béla NÁDAS

By: 
Joseph G. Seeber
Reg. No. 27,719

Post Office Box 750
Great Falls, VA 22066
Telephone: (703)430-1702
Facsimile: (703)450-7914




ACTIONS REQUESTED

Based on the above facts and discussion, the following actions are requested:

- (1) that the Notification of Abandonment mailed on April 20, 2007 be withdrawn due to error on the part of the Patent and Trademark Office;
- (2) that the application be reinstated;
- (3) that the Basic National Fee, the Search Fee and the Examination Fee for a "small entity" (total of \$450) be charged to Deposit Account No. 19-1070 (a duplicate of this sheet is attached);
- (4) that no Petition Fee be assessed against the Applicant since this Petition to Withdraw Holding of Abandonment was necessitated by an error on the part of the Patent and Trademark Office;
- (5) that, if a Petition Fee is to be assessed against the Applicant, such Petition Fee be charged to Deposit Account No. 19-1070 (a duplicate of this sheet is attached); and
- (6) that any other equitable relief which is deemed appropriate be granted to the Applicant.

Respectfully submitted,

Béla NÁDAS

By: 
Joseph G. Seeber
Reg. No. 27,719

Post Office Box 750
Great Falls, VA 22066
Telephone: (703)430-1702
Facsimile: (703)450-7914

COPY

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 84.1012
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/HU2005/000031	INTERNATIONAL FILING DATE 24 March 2005	PRIORITY DATE CLAIMED 25 March 2004
TITLE OF INVENTION DRIVING MECHANISM		
APPLICANT(S) FOR DO/EO/US Bela NADAS		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none">1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.4. <input checked="" type="checkbox"/> The US has been elected (Article 31).5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none">a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> has been communicated by the International Bureau.c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))<ol style="list-style-type: none">a. <input type="checkbox"/> is attached hereto.b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))<ol style="list-style-type: none">a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).b. <input type="checkbox"/> have been communicated by the International Bureau.c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.d. <input checked="" type="checkbox"/> have not been made and will not be made.8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <p>Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none">11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.13. <input checked="" type="checkbox"/> A preliminary amendment.14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.15. <input type="checkbox"/> A substitute specification.16. <input type="checkbox"/> A power of attorney and/or change of address letter.17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		



This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Page 1 of 3

ATTACHMENT A

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/HU2005/000031		ATTORNEY'S DOCKET NUMBER 84.1012	
20. Other items or information:					
International Search Report					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ 300	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$ 200	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
All other situations.....\$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				\$ 400	
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations.....\$500					
TOTAL OF 21, 22 and 23 =				900	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	1 - 20 =	0	x \$ 50	\$ 0	
Independent claims	1 - 3 =	0	x \$200	\$ 0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 0	
TOTAL OF ABOVE CALCULATIONS =				\$ 900	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/3.				-450	
SUBTOTAL =				\$ 450	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 450	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 450	
				Amount to be refunded:	\$
				Amount to be charged	\$


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 19-1070 on the amount of \$ 450 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-1070. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Joseph G. Seeber, Esq.
P.O. Box 750
Great Falls, VA 22066


SIGNATURE

Joseph G. Seeber
NAME

27,719
REGISTRATION NUMBER

The "Received" stamp of the
Patent & Trademark Office imprinted
hereon acknowledges the filing of:

10/594141

Trans Letter to the US Designated/
Elected Office (PTO Form 1390)
w/ Deposit Account Authorization
Declaration of Inventor
International Application
Int'l Search Report
Preliminary Amendment
Certificate of Express Mailing

Applicant(s): NADÁS
Atty File No.: 84.1012

IAP15 Rec'd PCT/PTO 25 SEP 2006

ATTACHMENT B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/594,141	Bela Nadas	84.1012

INTERNATIONAL APPLICATION NO.	
PCT/HU05/00031	
I.A. FILING DATE	PRIORITY DATE
03/24/2005	03/25/2004

Joseph G. Seeber
P.O.Box 750
Great Falls, VA 22066

CONFIRMATION NO. 8843

371
ABANDONMENT/TERMINATION
LETTER



OC000000023469682

Date Mailed: 04/20/2007

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

PART 3 - OFFICE COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

ATTACHMENT C

**MONTHLY STATEMENT OF DEPOSIT ACCOUNT**

To replenish your deposit account, detach and return top portion
with your check. Make checks payable to "Director of the USPTO."

JOSEPH G SEEBER
P. O. BOX 750
GREAT FALLS VA 22066

FINA

Account No.	191070
Date	4-30-07
Page	1

PLEASE SEND REMITTANCES TO:
U.S. Patent and Trademark Office
P.O. Box 371279
Pittsburgh, PA 15251-7279

Call the Deposit Account Branch at 571-272-6500 for assistance.

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
4	30	07	88	SERVICE CHARGE		9202	25.00	384.26
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT					OPENING BALANCE	TOTAL CHARGES	TOTAL CREDITS	CLOSING BALANCE
					409.26	25.00	0.00	384.26

By a small entity (§ 1.27(a)) . . . \$125.00

By other than a small entity . . . \$250.00

[52 FR 20050, May 28, 1987, effective July 1, 1987; paras. (a)(1) - (3), (b), (d) - (f), 54 FR 6893, Feb. 15, 1989, effective Apr. 17, 1989; para. (a)(5) added, 56 FR 65142, Dec. 13, 1991, effective Dec. 16, 1991; revised, 56 FR 65142, Dec. 13, 1991, effective Dec. 16, 1991; paras. (a)(1)-(a)(3), (a)(5) and (b)-(d), 57 FR 38190, Aug. 21, 1992, effective Oct. 1, 1992; para. (e) amended, 58 FR 4335, Jan. 14, 1993, effective May 1, 1993; paras. (a), (b) and (d), 59 FR 43736, Aug. 25, 1994, effective Oct. 1, 1994; paras. (a), (b), & (d) amended, 60 FR 41018, Aug. 11, 1995, effective, Oct. 1, 1995; paras. (a), (b), & (d) amended, 61 FR 39585, July 30, 1996, effective Oct. 1, 1996; paras. (a), (b), & (d) amended, 62 FR 40450, July 29, 1997, effective Oct. 1, 1997; para. (g) added, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; paras. (a)-(d) revised, 63 FR 67578, Dec. 8, 1998, effective Nov. 10, 1998; para. (a)(2) revised, 64 FR 67774, Dec. 3, 1999, effective Dec. 29, 1999; paras. (a), (b) and (d) revised, 65 FR 49193, Aug. 11, 2000, effective Oct. 1, 2000; paras. (a)-(e) revised, 65 FR 78958, Dec. 18, 2000; paras. (a)(1)-(a)(3), (a)(5), (b) and (d) revised, 66 FR 39447, July 31, 2001, effective Oct. 1, 2001; paras. (e) and (f) revised, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002; paras. (a)(1) through (a)(3), and (a)(5) revised, 67 FR 70847, Nov. 27, 2002, effective Jan. 1, 2003; paras. (a)(1) through (a)(3), (a)(5), (b), and (d) revised, 68 FR 41532, July 14, 2003, effective Oct. 1, 2003; paras. (a)(1) through (a)(3), (a)(5), (b) and (d) revised, 69 FR 52604, Aug. 27, 2004, effective Oct. 1, 2004; revised, 70 FR 3880, Jan. 27, 2005, effective Dec. 8, 2004; paras. (b) and (c) revised, 70 FR 5053, Feb. 1, 2005, effective Feb. 1, 2005; paras. (h) and (j) revised, 70 FR 30360, May 26, 2005, effective July 1, 2005; paras. (b) and (c) revised, 70 FR 35375, June 20, 2005, effective July 1, 2005]

§ 1.494 [Reserved]

[Added 52 FR 20050, May 28, 1987; paras. (a) - (d) and (g) amended and para. (h) deleted, 58 FR 4335, Jan. 14, 1993, effective May 1, 1993; para. (c) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para. (c) revised, 63 FR 29614, June 1, 1998, effective, July 1, 1998 (adopted as final, 63 FR 66040, Dec. 1, 1998); para. (f) revised, 65 FR 57024, Sept. 20, 2000, effective Nov. 29, 2000; para. (c)(2) revised, 66 FR 16004, Mar. 22, 2001, effective Mar. 1, 2000; para. (c)(2) corrected, 66 FR 28053, May 22, 2001, effective Mar. 22, 2001; removed and reserved, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002]

§ 1.495 Entering the national stage in the United States of America.

(a) The applicant in an international application must fulfill the requirements of 35 U.S.C. 371 within the time periods set forth in paragraphs (b) and (c) of this section in order to prevent the abandonment of the international application as to the United States of America. The thirty-month time period set forth in paragraphs (b), (c), (d), (e) and (h) of this section may not be extended. International applications for which those requirements are timely fulfilled will enter the national stage and obtain an examination as to the patentability of the invention in the United States of America.

(b) To avoid abandonment of the application, the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of thirty months from the priority date:

(1) A copy of the international application, unless it has been previously communicated by the International Bureau or unless it was originally filed in the United States Patent and Trademark Office; and

(2) The basic national fee (see § 1.492(a)).

(c)(1) If applicant complies with paragraph (b) of this section before expiration of thirty months from the priority date, the Office will notify the applicant if he or she has omitted any of:

(i) A translation of the international application, as filed, into the English language, if it was originally filed in another language and if any English language translation of the publication of the international application previously submitted under 35 U.S.C. 154(d) (§ 1.417) is not also a translation of the international application as filed (35 U.S.C. 371(c)(2));

(ii) The oath or declaration of the inventor (35 U.S.C. 371(c)(4) and § 1.497), if a declaration of inventorship in compliance with § 1.497 has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26ter.1;

(iii) The search fee set forth in § 1.492(b);

(iv) The examination fee set forth in § 1.492(c); and

(v) Any application size fee required by § 1.492(j);

(2) A notice under paragraph (c)(1) of this section will set a time period within which applicant

must provide any omitted translation, oath or declaration of the inventor, search fee set forth in § 1.492(b), examination fee set forth in § 1.492(c), and any application size fee required by § 1.492(j) in order to avoid abandonment of the application.

(3) The payment of the processing fee set forth in § 1.492(i) is required for acceptance of an English translation later than the expiration of thirty months after the priority date. The payment of the surcharge set forth in § 1.492(h) is required for acceptance of any of the search fee, the examination fee, or the oath or declaration of the inventor after the date of the commencement of the national stage (§ 1.491(a)).

(4) A "Sequence Listing" need not be translated if the "Sequence Listing" complies with PCT Rule 12.1(d) and the description complies with PCT Rule 5.2(b).

(d) A copy of any amendments to the claims made under PCT Article 19, and a translation of those amendments into English, if they were made in another language, must be furnished not later than the expiration of thirty months from the priority date. Amendments under PCT Article 19 which are not received by the expiration of thirty months from the priority date will be considered to be canceled.

(e) A translation into English of any annexes to an international preliminary examination report (if applicable), if the annexes were made in another language, must be furnished not later than the expiration of thirty months from the priority date. Translations of the annexes which are not received by the expiration of thirty months from the priority date may be submitted within any period set pursuant to paragraph (c) of this section accompanied by the processing fee set forth in § 1.492(f). Annexes for which translations are not timely received will be considered canceled.

(f) Verification of the translation of the international application or any other document pertaining to an international application may be required where it is considered necessary, if the international application or other document was filed in a language other than English.

(g) The documents and fees submitted under paragraphs (b) and (c) of this section must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371. Otherwise, the submission will be considered as being made under 35 U.S.C. 111(a).

(h) An international application becomes abandoned as to the United States thirty months from the priority date if the requirements of paragraph (b) of this section have not been complied with within thirty months from the priority date. If the requirements of paragraph (b) of this section are complied with within thirty months from the priority date but either of any required translation of the international application as filed or the oath or declaration are not timely filed, an international application will become abandoned as to the United States upon expiration of the time period set pursuant to paragraph (c) of this section.

[Added 52 FR 20051, May 28, 1987, effective July 1, 1987; paras. (a) -(e) & (h) amended and para. (i) deleted, 58 FR 4335, Jan. 14, 1993, effective May 1, 1993; para. (c) revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997; para (c) revised, 63 FR 29614, June 1, 1998, effective July 1, 1998 (adopted as final, 63 FR 66040, Dec. 1, 1998), para. (g) revised, 65 FR 57024, Sept. 20, 2000, effective Nov. 29, 2000; para. (c)(2) revised, 66 FR 16004, Mar. 22, 2001, effective Mar. 1, 2001 para. (c)(2) corrected, 66 FR 28053, May 22, 2001, effective Mar. 22, 2001; heading and paras. (a)-(e) and (h) revised, 67 FR 520, Jan. 4, 2002, effective Apr. 1, 2002; paras. (c) & (g) revised, 68 FR 70996, Dec. 22, 2003, effective Jan. 21, 2004; para. (c) revised, 70 FR 3880, Jan. 27, 2005, effective Dec. 8, 2004; paras. (c)(1)(i) and (c)(3) revised, 70 FR 30360, May 26, 2005, effective July 1, 2005]

§ 1.496 Examination of international applications in the national stage.

(a) International applications which have complied with the requirements of 35 U.S.C. 371(c) will be taken up for action based on the date on which such requirements were met. However, unless an express request for early processing has been filed under 35 U.S.C. 371(f), no action may be taken prior to one month after entry into the national stage.

(b) National stage applications having paid therein the search fee as set forth in § 1.492(b)(1) and the examination fee as set forth in § 1.492(c)(1) may be amended subsequent to the date of entry into the national stage only to the extent necessary to eliminate objections as to form or to cancel rejected claims. Such national stage applications will be advanced out of turn for examination.

[Added 52 FR 20051, May 28, 1987, effective July 1, 1987; para. (b) revised, 70 FR 5053, Feb. 1, 2005, effective

JPW



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Béla NÁDAS

Serial No.: 10/594,141

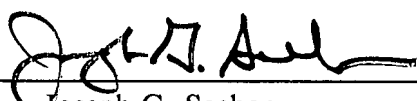
Filed: September 25, 2006

For: DRIVING MECHANISM

)
)
) Petitions Office
)
) Atty. Dkt: 84.1012
)
) JGS: fbs
)
)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage for First Class Mail and addressed to Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on June 7, 2007. Please grant a filing date of June 7, 2007 under 37 C.F.R. 1.8.



Joseph G. Seeber

Correspondence:
Petition to Withdraw Holding of Abandonment
w/ Deposit Account Authorization
Attachments A thru E